



# University of Hawaii at Manoa

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## HB 3310 RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Statement for the House Committee on  
Intergovernmental Relations and International Affairs  
and the  
House Committee on Planning, Energy, and Environmental Protection

by  
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HB3310 would amend Chapter 343, HRS, to provide for a public hearing to consider actions proposed by an agency which require assessment pursuant to section 343-5. The proposed bill further provides that agency determinations as to the significance of impacts of proposed actions may be challenged through contested case proceedings.

Our statement on this bill does not represent an institutional position of the University of Hawaii.

The Center concurs that lack of public input to the assessment process constitutes a major shortcoming within the existing environmental Impact Statement (EIS) process. We consistently have advocated the inclusion of public review as a means to insure consideration of the fullest possible range of information about a project's prospective environmental impacts in order to avoid or mitigate costly and possibly irreversible environmental damage.

However, as presently written, the bill has certain shortcomings. The major flaw we perceive is that the proposed public review process applies solely to agency actions. Applicant actions under Section 343-5(c) requiring agency assessment remain exempt from public scrutiny until the assessment process is complete. If the contribution of public review is considered beneficial to determinations of the significance of agency actions, why exclude applicant actions from similar beneficial review?

An additional concern is that insertion of a public hearing process, with its attendant notification and publication provisions, would introduce significant delays into the project approval process. Alternative mechanisms for public review at the assessment stage are less time consuming.

The Environmental Center has reservations about the appropriateness of introducing the contested case process into the present EIS system. The system is intended to provide for public disclosure and consideration of environmental consequences of proposed actions. It is not a permit process and has been deliberately structured to separate the evaluation stage of a project from the permitting process in order to provide for the fullest possible disclosure of relevant information prior to decisionmaking and subsequent commitment of development resources. Thus, it appears inappropriate to engage in a legal action designed to address permitting questions at such a preliminary stage.

In general, the Center would prefer an approach to this problem more consistent with existing EIS system procedures, such as the public commentary procedures proposed in HB2217. Such an approach accomplishes the intent of the proposed bill without incurring the problems noted above.